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SENATE BILL 872

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Dianna J. Duran

AN ACT

RELATING TO RECORDING FEES; CLARIFYING THE USE OF COUNTY CLERK
RECORDING FEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 14-8-16 NMSA 1978 (being Laws 1973,
Chapter 258, Section 150, as amended) is amended to read:

"14-8-16. FILINGS OF LEGAL DESCRIPTIONS AND PLATS OF
REAL PROPERTY AUTHORIZED--RECORDING--FEES.--

A. ~~[Any]~~ A person owning real property that is
subject to property taxation under the Property Tax Code may
file for record in the office of the county clerk of the
county where the real property is located a legal description
or a plat of the real property. To be eligible for recording,
the legal description or plat shall be certified by a
professional surveyor licensed in the state.

underscored material = new
[bracketed material] = delete

1 B. The United States, the state or its political
2 subdivisions and any agency, department or instrumentality of
3 the United States, the state or its political subdivisions may
4 file for record in the office of the county clerk of the
5 county where the real property is located a legal description
6 or a plat of real property. To be eligible for recording, the
7 legal description or plat shall be certified by a professional
8 surveyor licensed in the state and shall show the governmental
9 agency, department or political subdivision under whose
10 supervision and direction the description or plat was
11 prepared.

12 C. The county clerk shall number descriptions
13 filed under this section consecutively and shall number plats
14 filed under this section consecutively. Immediately upon
15 receiving a description or plat for filing, the county clerk
16 shall note on the instrument the filing number and the time of
17 filing and shall make proper entries in [~~his~~] the reception
18 book and in [~~his~~] the index to general real estate records.

19 D. The county clerk shall record descriptions and
20 plats filed under this section in the same manner as other
21 similar instruments affecting real property are recorded. The
22 county clerk shall charge a fee of two dollars fifty cents
23 (\$2.50) for filing and recording each description or plat. If
24 the county clerk uses a post binder with transparent
25 protective pages for the protection of the plats, [~~he~~] the

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1 county clerk shall charge a fee of five dollars (\$5.00) for
2 filing and recording each unit of a plat that is eighteen
3 inches by twenty-four inches or part thereof.

4 E. For filing legal descriptions or plats of real
5 property, the county clerk may charge, in addition to any
6 other fees authorized by law, including the fee provided for
7 in Subsection D of this section, an equipment recording fee.
8 The equipment recording fee shall not exceed four dollars
9 (\$4.00) for each instrument or plat recorded.

10 F. Amounts collected from the equipment recording
11 fee shall be deposited into a county clerk recording and
12 filing fund, which shall be established by the county. Money
13 in the county clerk recording and filing fund shall be
14 expended only to rent, purchase, lease or lease-purchase
15 equipment or vehicles associated with recording, filing,
16 maintaining or reproducing documents in the county clerk's
17 office and for staff training on office procedures and
18 equipment.

19 G. The equipment recording fee and expenditures
20 from the county clerk recording and filing fund shall be
21 determined annually by the county clerk and approved by the
22 board of county commissioners.

23 H. All plats to be recorded pursuant to the
24 provisions of this section shall be filed in duplicate with
25 the county clerk. One copy shall be recorded by the county

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clerk, and one copy shall be delivered by the county clerk to
the county assessor. "